



U.S. Department  
of Veterans Affairs

**New York/New Jersey VA Health Care Network**

130 W. Kingsbridge Road, Building 16  
Bronx, NY 10468  
718-741-4134

113 Holland Avenue, Building 67  
Albany, NY 12208  
518-626-7342

July 3, 2019

FOIA Request No.: **19-08061-F**

Via email: [74270-90910410@requests.muckrock.com](mailto:74270-90910410@requests.muckrock.com)

MuckRock News  
Attn: Vaughn Golden  
DEPT MR 74270  
411A Highland Ave  
Somerville, MA 02144-2516

Dear Mr. Golden,

This letter is the Initial Agency Decision (IAD) on your May 29, 2018, request under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, to Department of Veterans Affairs (VA), Veterans Health Administration (VHA), Veterans Integrated Service Network (VISN 2) – New York/New Jersey VA Healthcare Network seeking:

- All VA police reports involving the larceny, theft, or similar misconduct of scheduled prescription medications at the following facilities from January 1, 2018 to present:

**MEDICAL CENTERS:**

Albany VA Medical Center: Samuel S. Stratton  
VA Western New York Healthcare System at Batavia  
Bath VA Medical Center  
James J. Peters VA Medical Center (Bronx, NY)  
Brooklyn Campus of the VA NY Harbor Healthcare System  
VA Western New York Healthcare System at Buffalo  
Canandaigua VA Medical Center  
Franklin Delano Roosevelt Campus of the VA Hudson Valley Health Care System (Montrose)  
Manhattan Campus of the VA NY Harbor Healthcare System  
Northport VA Medical Center  
Syracuse VA Medical Center  
Castle Point Campus of the VA Hudson Valley Health Care System

**COMMUNITY BASED OUTPATIENT CLINICS:**

Auburn VA Outpatient Clinic

Bainbridge VA Outpatient Clinic  
Bay Shore Clinic  
Binghamton VA Outpatient Clinic  
Carmel Community Clinic/Putnam County  
Catskill VA Outpatient Clinic  
Clifton Park VA Outpatient Clinic  
Dunkirk VA Outpatient Clinic  
East Meadow Clinic  
Elmira VA Outpatient Clinic  
Fonda VA Outpatient Clinic  
Tompkins/Cortland County  
Glens Falls VA Outpatient Clinic  
Goshen Community Clinic  
Jamestown VA Outpatient Clinic  
Kingston VA Outpatient Clinic  
Lackawanna VA Outpatient Clinic  
Lockport VA Outpatient Clinic  
Massena VA Outpatient Clinic  
Monticello Community Clinic  
New City Community Clinic  
Harlem Community Clinic  
Niagara Falls VA Outpatient Clinic  
Olean VA Outpatient Clinic  
Oswego VA Outpatient Clinic  
Patchogue Community Clinic  
Eastern Dutchess Pine Plains Community Clinic  
Plattsburgh VA Outpatient Clinic  
Port Jervis Community Clinic  
Poughkeepsie Community Clinic  
Riverhead Clinic  
Rochester VA Outpatient Clinic  
Rome - Donald J. Mitchell VA Outpatient Clinic  
Saranac Lake  
Schenectady VA Outpatient Clinic  
Springville  
Staten Island Community Clinic  
Thomas B. Noonan Community Clinic (Queens)  
Troy VA Outpatient Clinic  
Valley Stream Clinic  
CANI  
Watertown VA Outpatient Clinic  
Wellsville VA Outpatient Clinic  
Westport  
White Plains Community Clinic  
Yonkers Community Clinic

VET CENTERS:

Albany Vet Center  
Buffalo Vet Center  
Babylon Vet Center  
Binghamton Vet Center  
Bronx Vet Center  
Brooklyn Vet Center  
Nassau Vet Center  
Middletown Vet Center  
Harlem Vet Center  
Manhattan Vet Center  
Rochester Vet Center  
Staten Island Vet Center  
Syracuse Vet Center  
Watertown Vet Center  
White Plains Vet Center  
Queens Vet Center

Your FOIA request was received in my office on May 29, 2018.

A thorough review of records has been conducted and this resulted in the included responsive records being provided that includes sixty-three (63) pages that specifically addresses your request for information.

A review of the records found indicated that the responsive records contain information that falls within the disclosure protections of FOIA exemption 6, 5 U.S.C. § 552(b)(6), and FOIA exemption 7(c), 5 U.S.C. § 552(b)(7)(c).

FOIA exemption 6 permits VA to withhold a document or information within a document if disclosure of the information would constitute a clearly unwarranted invasion of a living individual's personal privacy. Stated another way, VA may withhold information under FOIA exemption 6 where disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, would result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the federal government.

In order to determine if FOIA exemption 6 was applicable; I had first determine if the documents met the threshold of records covered by exemption 6; and if so, determine if disclosure would constitute a clearly unwarranted invasion of personal privacy by balancing the privacy interest that would be compromised by disclosure against any public interest in the requested information. I have determined the documents meet the threshold of records covered by exemption 6, as courts have made it clear that all information that "applies to a particular individual" meets the thresholds of requirements of exemption 6 protection.

Upon completion of my analysis in balancing personal privacy interests against public interest, I have determined the personal privacy interest outweighs the public interest. Consequently, I am withholding information under the disclosure protections of FOIA exemption 6. Specifically, the information I am withholding, as indicated on the enclosed documents, consists of the names, addresses, phone numbers and other personal information of Veterans and suspects under FOIA exemption 6. This purely personal information would not contribute to the public's understanding of VHA activities.

The coverage of FOIA exemption 6 is absolute unless the FOIA requester can demonstrate a countervailing public interest in the requested information by demonstrating that the individual is in a position to provide the requested information to members of the general public and that the information requested contributes significantly to the public's understanding of the activities of the Federal government. Additionally, the requester must demonstrate how the public's need to understand the information significantly outweighs the privacy interest of the person to whom the information pertains.

My review of the documents also revealed that they contained information that falls within the disclosure protections of FOIA Exemption 7, 5 U.S.C. § 552(b)(7)(c). Exemption 7(c) permits VA to withhold a document or information in a document if the Agency compiled the document for a law enforcement purpose and if disclosure of the information could be reasonably expected to constitute an unwarranted invasion of a living individual's personal privacy. Stated another way, VA may withhold information under exemption 7(c) where there is a reasonable likelihood that disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, could result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the Federal government. This exemption continues to apply to information after completion or cessation of the law enforcement activity in which the information was gathered.

It is my determination that the individuals associated with this information have a personal privacy interest in the information that outweighs any public interest served by disclosure of the information under FOIA. Similarly, there is a reasonable likelihood that disclosure of the information, either by itself or in conjunction with other information available to either the public or the FOIA requester, could result in an unwarranted invasion of an individual's personal privacy without contributing significantly to the public's understanding of the activities of the Federal government. Consequently, I am withholding information, as indicated by the redactions on the enclosed records, under FOIA exemption 6, 5 U.S.C. § 552 (b)(6), and FOIA exemption 7(c), 5 U.S.C. § 552 (b)(7)(c).

This concludes VISN 2's response to your FOIA request.

You may appeal the determinations made in this letter to:

Office of the General Counsel (024)  
Department of Veterans Affairs  
810 Vermont Avenue, N.W.  
Washington, D.C. 20420  
Email: [ogcfoiaappeals@va.gov](mailto:ogcfoiaappeals@va.gov)

If you should choose to file an appeal, your appeal must be postmarked or electronically transmitted no later than ninety (90) calendar days from the date of this letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

In addition to filing an appeal with the Office of General Counsel regarding my determination, you may also seek assistance and/or dispute resolution services regarding your FOIA request from VHA's FOIA Public Liaison and or Office of Government Information Services (OGIS) as provided below:

VHA FOIA Public Liaison:  
Email Address: [vhafoia2@va.gov](mailto:vhafoia2@va.gov)  
Phone Number: (877) 461-5038

Office of Government Information Services (OGIS)  
Email Address: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax Number: (202) 741-5769  
Mailing address: Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

If you should choose to file an appeal, please include a copy of this letter with your appeal and clearly state why you disagree with our determination.

If you have any further questions, please feel free to contact me at (518) 626-7301.

Sincerely,



Jeffrey D. Wilkinson, JD  
VISN 2 FOIA Officer